

104TH CONGRESS
1ST SESSION

H. R. 1989

To make improvements in the operation and administration of the Federal courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1995

Mr. MOORHEAD (for himself and Mrs. SCHROEDER) (both by request) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To make improvements in the operation and administration of the Federal courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Courts Improvement Act of 1995”.

6 (b) TABLE OF CONTENTS.—The following is the table
7 of contents for this Act:

Sec. 1. Short title and table of contents.

TITLE I—CRIMINAL LAW

Sec. 101. New authority for probation and pretrial services officers.

Sec. 102. Transportation expenses for defendants.

Sec. 103. Federal substance abuse treatment program reauthorization.

TITLE II—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 201. Reimbursement of judiciary for civil and criminal forfeiture expenses.

Sec. 202. Increase in civil action filing fee.

Sec. 203. Increase in attorney admission fees.

Sec. 204. Transfer of retirement funds.

Sec. 205. Consolidation of unclaimed registry funds.

Sec. 206. Interpreter performance examination fees.

TITLE III—JUDICIAL PROCESS IMPROVEMENTS

Sec. 301. Duties of magistrate judge on emergency assignment.

Sec. 302. Consent to trial in certain criminal actions.

Sec. 303. Removal of cases under the Employee Retirement Income Security Act.

Sec. 304. Elimination of in-state plaintiff diversity jurisdiction.

Sec. 305. Extension of statutory authority for magistrate judge positions to be established in the District Courts of Guam and the Northern Mariana Islands.

Sec. 306. Venue in civil actions.

Sec. 307. Registration of judgments for enforcement in other districts.

Sec. 308. Vacancy in clerk position; absence of clerk.

Sec. 309. Diversity jurisdiction.

TITLE IV—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 401. Judicial retirement matters.

Sec. 402. Senior judge certification.

Sec. 403. Contribution rate for senior judges under the Judicial Survivors' Annuities System.

Sec. 404. Refund of contribution for deceased deferred annuitant under the Judicial Survivor's Annuities System.

Sec. 405. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 406. Federal Judicial Center personnel matters.

Sec. 407. Judicial administrative officials retirement matters.

Sec. 408. Bankruptcy judges reappointment procedure.

Sec. 409. Carrying of firearms.

Sec. 410. Commencement date of temporary judgeships.

Sec. 411. Full-time status of court reporters.

Sec. 412. Exemption from jury service.

Sec. 413. Expanded workers' compensation coverage for jurors.

Sec. 414. Property damage, theft, and loss claims of jurors.

Sec. 415. Court Interpreters Act.

Sec. 416. Article III status for the judgeship authorized for the Commonwealth of the Northern Mariana Islands.

Sec. 417. Annual leave limit for court unit executives.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Parties' consent to bankruptcy judge's findings and conclusions of law.

Sec. 502. Enforcement of National Labor Relations Board orders.

- Sec. 503. Qualification of chief judge of Court of International Trade.
 Sec. 504. Judicial cost-of-living increases.

TITLE VI—CRIMINAL JUSTICE ACT AMENDMENTS

- Sec. 601. Establishment of Federal defender organizations
 Sec. 602. Panel attorney support office.
 Sec. 603. Judicial Conference to determine rates of compensation for attorneys.
 Sec. 604. Judicial Conference to determine maximum amounts of compensation
 for services other than counsel.
 Sec. 605. Compensation of paralegals and law students.
 Sec. 606. Tort Claims Act amendments relating to liability of Federal public
 defenders.

TITLE VII—PLACES OF HOLDING COURT

- Sec. 701. Place of holding court in the Southern District of New York.
 Sec. 702. Place of holding court in the Eastern District of Texas.

TITLE VIII—MISCELLANEOUS

- Sec. 801. Technical amendment to 28 U.S.C. 331 (relating to the Judicial Conference).
 Sec. 802. Technical amendment to 28 U.S.C. 601 (relating to the director and
 deputy director of the Administrative Office).
 Sec. 803. Technical amendment to 28 U.S.C. 1446 (relating to removal).
 Sec. 804. Technical amendment to 28 U.S.C. 627(b) (Federal Judicial Center
 retirement provisions).

1 **TITLE I—CRIMINAL LAW**

2 **SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL** 3 **SERVICES OFFICERS.**

4 (a) PROBATION OFFICERS.—Section 3603 of title 18,
 5 United States Code, is amended—

6 (1) by striking “and” at the end of paragraph
 7 (8)(B);

8 (2) by inserting a new paragraph (9) as follows:

9 “(9) if approved by the district court, be au-
 10 thorized to carry firearms under such rules and reg-
 11 ulations as the Director of the Administrative Office
 12 of the United States Courts may prescribe; and”;
 13 and

1 (3) by redesignating paragraph (9) as para-
2 graph (10).

3 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
4 of title 18, United States Code, is amended—

5 (1) by inserting a new paragraph (13), as fol-
6 lows:

7 “(13) If approved by the district court, be au-
8 thorized to carry firearms under such rules and reg-
9 ulations as the Director of the Administrative Office
10 of the United States Courts may prescribe.”; and

11 (2) by redesignating paragraph (13) as para-
12 graph (14).

13 **SEC. 102. TRANSPORTATION EXPENSES FOR DEFENDANTS.**

14 The first sentence of section 4285 of title 18, United
15 States Code is amended—

16 (a) by deleting “appear before the required
17 court”;

18 (b) by inserting “(1)” after “fare for such
19 transportation”;

20 (c) by inserting after “where his appearance is
21 required” the following: “(2) to enable the defendant
22 to consult with his or her attorney, or (3) to return
23 to the place of his or her arrest or bona fide resi-
24 dence”;

1 (d) by inserting “lodging and” before “subsist-
2 ence”;

3 (e) by inserting “during travel” after “ex-
4 penses”; and

5 (f) by inserting after “to his destination,” the
6 following: “during any proceedings at which his or
7 her appearance is required, or during the time he or
8 she is consulting with counsel,”.

9 **SEC. 103. FEDERAL SUBSTANCE ABUSE TREATMENT PRO-**
10 **GRAM REAUTHORIZATION.**

11 Section 4(a) of the Contract Services for Drug De-
12 pendent Federal Offenders Treatment Act of 1978, as
13 amended, is amended by striking all after “there are au-
14 thorized to be appropriated” and inserting in lieu thereof
15 “for fiscal year 1995 and each fiscal year thereafter such
16 sums as may be necessary to carry out this Act.”.

17 **TITLE II—JUDICIAL FINANCIAL**
18 **ADMINISTRATION**

19 **SEC. 201. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND**
20 **CRIMINAL FORFEITURE EXPENSES.**

21 (a) Section 524(c) of title 28, United States Code,
22 is amended—

23 (1) by redesignating paragraph “(12)” as para-
24 graph “(13)”;

1 (2) by redesignating paragraph “(11)” as para-
2 graph “(12)”;

3 (3) by redesignating paragraph “(10)” as para-
4 graph “(11)”;

5 (4) by redesignating paragraph “(9)” as para-
6 graph “(10)”;

7 (5) by inserting after paragraph “(8)” the fol-
8 lowing new paragraph “(9)”:

9 “(9)(A) In fiscal year 1995 and each fiscal year
10 thereafter, an amount as specified in subparagraph
11 (9)(B) shall be transferred annually to the Judiciary
12 into the fund established under section 1931 of this
13 title, for expenses incurred in—

14 “(i) adjudication of civil and criminal for-
15 feiture proceedings that result in deposits into
16 the Fund (except the expense of salaries of
17 judges);

18 “(ii) representation, pursuant to the provi-
19 sions of section 3006A of title 18, United
20 States Code, of offenders whose assets have
21 been seized in such forfeiture proceedings, to
22 the extent that such expenses of representation
23 could have been recovered through an order for
24 payment or for reimbursement of the Defender

1 Services appropriation pursuant to section
2 3006A(f) of title 18, United States Code; and

3 “(iii) supervision by United States proba-
4 tion officers of offenders under home detention
5 or other forms of confinement outside of Bu-
6 reau of Prisons facilities.

7 “(B) The amount to be transferred—

8 “(i) shall be a portion of the total amount
9 to be transferred from the combined fiscal year
10 deposits into both the Fund and the Depart-
11 ment of the Treasury Asset Forfeiture Fund es-
12 tablished by section 9703 of title 31, United
13 States Code (hereafter referred to as ‘both
14 Funds’), which total shall not exceed the state-
15 ment of costs incurred by the Judiciary in pro-
16 viding the services identified in subparagraph
17 (A), as set forth by the Director of the Admin-
18 istrative Office of the United States Courts in
19 a report to the Attorney General and the Sec-
20 retary of the Treasury no later than 90 days
21 after the end of the fiscal year in which the ex-
22 penses were incurred: *Provided*, That the total
23 amount to be transferred from both Funds shall
24 not exceed \$50,000,000, or 10 percent of the
25 total combined deposits into both Funds, which-

1 ever is less: *Provided further*, That the propor-
 2 tion of the amount transferred from the Fund
 3 to the total amount to be transferred shall be
 4 equal to the proportion of the fiscal year depos-
 5 its into the Fund to the combined fiscal year
 6 deposits into both Funds: *Provided further*,
 7 That the total amount to be transferred from
 8 both Funds may exceed the limits set out in
 9 this subparagraph subject to the discretion of
 10 the Attorney General and the Secretary of the
 11 Treasury; and

12 “(ii) shall be paid from revenues deposited
 13 into the Fund during the fiscal year in which
 14 the expenses were incurred and are not required
 15 to be specified in appropriations Acts.”.

16 (b) Section 9703 of title 31, United States Code, is
 17 amended—

18 (1) by redesignating section “(p)” as section
 19 “(q)”; and

20 (2) by inserting after section “(o)” the follow-
 21 ing new section “(p)”:

22 “(p) TRANSFER TO THE FEDERAL JUDICIARY.—

23 “(1) In fiscal year 1994 and each year there-
 24 after, an amount necessary to meet the transfer re-
 25 quirements of section 524(c)(9) of title 28, United

1 States Code, shall be transferred to the Judiciary,
2 and shall be subject to the same limitations, terms,
3 and conditions specified in that section for transfers
4 to the Judiciary from the Department of Justice
5 Asset Forfeiture Fund.”.

6 (c) Section 1931(a) of title 28 is amended by insert-
7 ing “or other judicial services including services provided
8 pursuant to section 3006A of title 18, United States
9 Code” after “courts of the United States”.

10 **SEC. 202. INCREASE IN CIVIL ACTION FILING FEE.**

11 (a) FILING FEE INCREASE.—Section 1914(a) of title
12 28, United States Code, is amended by striking “\$120”
13 and inserting in lieu thereof “\$150”.

14 (b) DISPOSITION OF INCREASE.—Section 1931 of
15 title 28, United States Code, is amended—

16 (1) by striking “\$60” in subsections (a) and (b)
17 and insert in lieu thereof in each place “\$90”; and

18 (2) by striking “\$120” in subsection (b) and in-
19 serting in lieu thereof “\$150”.

20 **SEC. 203. INCREASE IN ATTORNEY ADMISSION FEES.**

21 For fiscal year 1995 and thereafter, of each fee col-
22 lected for admission of an attorney to practice, as pre-
23 scribed by the Judicial Conference of the United States
24 pursuant to section 1914 of title 28, United States Code,
25 \$30 of that portion of the fee exceeding \$20 shall be de-

1 posited into the special fund of the Treasury established
2 under section 1931 of title 28, United States Code. Any
3 portion exceeding \$5 of the fee for a duplicate certificate
4 of admission or certificate of good standing, as prescribed
5 by the Judicial Conference of the United States pursuant
6 to section 1914 of title 28, United States Code, shall be
7 deposited into the special fund of the Treasury established
8 under section 1931 of title 28, United States Code.

9 **SEC. 204. TRANSFER OF RETIREMENT FUNDS.**

10 Section 377 of title 28, United States Code, is
11 amended by adding at the end thereof the following new
12 subsection:

13 “(p) Upon an election by a bankruptcy judge or a
14 magistrate judge under subsection (f) of this section, all
15 of the accrued employer contributions and accrued interest
16 on those contributions made on behalf of the bankruptcy
17 judge or magistrate judge to the Civil Service Retirement
18 and Disability Fund as defined under section 8348 of title
19 5, United States Code, shall be transferred to the fund
20 established under section 1931 of title 28, United States
21 Code: *Provided*, That if the bankruptcy judge or mag-
22 istrate judge elects under section 2(c) of the Retirement
23 and Survivors’ Annuities for Bankruptcy Judges and
24 Magistrates Act of 1988, Public Law 100–659, to receive
25 a retirement annuity under both this section and title 5,

1 United States Code, only the accrued employer contribu-
2 tions and accrued interest on such contributions made on
3 behalf of the bankruptcy judge or magistrate judge for
4 service credited under this section may be transferred.”.

5 **SEC. 205. CONSOLIDATION OF UNCLAIMED REGISTRY**
6 **FUNDS.**

7 Section 2042 of title 28, United States Code, is
8 amended by—

9 (a) amending the section heading to read as fol-
10 lows:

11 **“§ 2042. Withdrawal; intra-judicial transfers; transfer**
12 **of unclaimed money”.**

13 (b) inserting “(a)” before the first paragraph;
14 and

15 (c) striking out the second paragraph and in-
16 serting in lieu thereof the following new subsections:

17 “(b)(1) In every case in which the right to withdraw
18 money deposited in court under section 2041 has been ad-
19 judicated or is not in dispute and such money has re-
20 mained so deposited for at least ninety (90) days un-
21 claimed by the person entitled thereto, such court shall
22 cause such money to be transferred to the Director of the
23 Administrative Office of the United States Courts. Con-
24 current with such transfer, the Director shall assume all
25 fiduciary duties and responsibilities for such money.

1 “(2) Interest earned by such money while under the
2 authorized control of the Director as described in sub-
3 section (b)(1) shall be treated in the same manner as in-
4 terest earned on funds deposited in a court’s registry. Any
5 funds hereafter collected by the Judiciary as a charge for
6 services rendered in administering the funds deposited
7 under subsection (b)(1) shall be deposited into the sepa-
8 rate account entitled ‘Registry Administration Account’ in
9 the Treasury of the United States (as established by Pub-
10 lic Law 100–459, title IV, sec. 400, 102 Stat. 2211 (Oct.
11 1, 1988)). Such funds shall remain available to the Judici-
12 ary until expended, without further appropriation, to reim-
13 burse any appropriation for the amount paid out for ex-
14 penses of the Courts of Appeals, District Courts, and
15 Other Judicial Services and the Administrative Office of
16 the United States Courts.

17 “(c) After such money as described in subsection
18 (b)(1) has remained deposited under the authority and
19 control of the Director for at least five years unclaimed
20 by any person entitled thereto, the Director shall cause
21 such money and accrued interest to be deposited in the
22 Treasury in the name and to the credit of the United
23 States. Any claimant entitled to any such money may, on
24 petition to the court and upon notice to the United States

1 attorney and full proof of the right thereto, obtain an
2 order directing payment to such claimant.

3 “(d) The Director shall develop rules and procedures
4 regarding the deposit, transfer and withdrawal of such
5 moneys described in this section in accordance with the
6 authority granted to the Director by section 604(f) of this
7 title.”.

8 (d) The table of sections for chapter 129 of title
9 28, United States Code, is amended by amending
10 the item related to section 2042 to read as follows:

“2042. Withdrawals; intra-judicial transfers; transfer of unclaimed money.”.

11 **SEC. 206. INTERPRETER PERFORMANCE EXAMINATION**
12 **FEES.**

13 (a) Section 1827(g) of title 28, United States Code,
14 is amended by renumbering paragraph (5) as (6) and in-
15 sert a new subparagraph (5) as follows:

16 “(5) If the Director of the Administrative Of-
17 fice of the United States Courts finds it necessary
18 to develop and administer criterion-referenced per-
19 formance examinations for purposes of certification,
20 or other examinations for the selection of otherwise
21 qualified interpreters, the Director may prescribe for
22 each examination a uniform fee for applicants to
23 take such examination. In determining the rate of
24 the fee for each examination, the Director shall con-
25 sider the fees charged by other organizations for ex-

1 aminations that are similar in scope or nature. Not-
2 withstanding section 3302(b) of title 31 of the Unit-
3 ed States Code, the Director is authorized to provide
4 in any contract or agreement for the development
5 or administration of examinations and the collection
6 of fees that the contractor may retain all or a por-
7 tion of the fees in payment for the services. Notwith-
8 standing subparagraph (6) of this subsection all fees
9 hereafter collected and not retained by a contractor
10 shall be deposited in the fund established under sec-
11 tion 1931 of this title and shall remain available
12 until expended”.

13 (b) The Director of the Administrative Office of the
14 United States is hereby granted retroactive authority to
15 include in any contract for the development or administra-
16 tion of examinations for interpreters a provision which
17 permits the contractor to collect and retain fees in pay-
18 ment for contractual services, notwithstanding sections
19 3302(b), 1341, and 1517 of title 31 of the United States
20 Code.

1 **TITLE III—JUDICIAL PROCESS**
2 **IMPROVEMENTS**

3 **SEC. 301. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY**
4 **ASSIGNMENT.**

5 The first sentence of section 636(f) of title 28, United
6 States Code, is amended by striking “(a) or (b)” and in-
7 serting in lieu thereof “(a), (b), or (c)”.

8 **SEC. 302. CONSENT TO TRIAL IN CERTAIN CRIMINAL AC-**
9 **TIONS.**

10 (a) AMENDMENTS TO TITLE 18.—(1) Section
11 3401(b) of title 18, United States Code, is amended—

12 (A) by inserting “, other than a petty offense,”
13 in the first sentence after “misdemeanor”; and

14 (B) by striking out the third sentence and in-
15 serting in lieu thereof the following: “The magistrate
16 judge may not proceed to try the case unless the de-
17 fendant, after such explanation, expressly consents
18 to be tried before the magistrate judge and expressly
19 and specifically waives trial, judgment, and sentenc-
20 ing by a judge of the district court. Any such con-
21 sent and waiver shall be made in writing or orally
22 on the record.”.

23 (2) Section 3401(g) of title 18, United States Code,
24 is amended by striking the first sentence and inserting in
25 lieu thereof the following: “The magistrate judge may, in

1 a petty offense case involving a juvenile, exercise all pow-
2 ers granted to the district court under chapter 403 of this
3 title.”.

4 (b) AMENDMENTS TO TITLE 28.—Section 636(a) of
5 title 28, United States Code, is amended—

6 (1) by striking out “, and” at the end of para-
7 graph (3) and inserting in lieu thereof a semicolon;

8 (2) by redesignating paragraph (4) as para-
9 graph (5) and by striking out “or infraction” in
10 such paragraph and inserting in lieu thereof “, other
11 than a petty offense,”; and

12 (3) by inserting after paragraph (3) the follow-
13 ing new paragraph (4):

14 “(4) the power to enter a sentence for a petty
15 offense;”.

16 **SEC. 303. REMOVAL OF CASES UNDER THE EMPLOYEE RE-**
17 **TIREMENT INCOME SECURITY ACT.**

18 Section 1445 of title 28 is amended by adding a new
19 subsection:

20 “(d) A civil action in any State court may not be re-
21 moved to any district court of the United States solely
22 on the basis of concurrent jurisdiction over a claim under
23 section 1132(a)(1)(B) of title 29.”.

1 **SEC. 304. ELIMINATION OF IN-STATE PLAINTIFF DIVERSITY**
2 **JURISDICTION.**

3 Section 1332 of title 28 is amended by adding the
4 following new subsection:

5 “(e) The original jurisdiction of the district courts
6 otherwise conferred by this section may not be invoked if
7 any plaintiff joined in the complaint is a citizen of the
8 State in which is located the district court in which the
9 suit is filed. For purposes of this subsection only, the Dis-
10 trict of Wyoming shall be deemed located solely within the
11 State of Wyoming. This subsection does not apply to or
12 limit the applicability of the right of removal under section
13 1441(a) of an action that would otherwise be within the
14 original jurisdiction of the district courts.”.

15 **SEC. 305. EXTENSION OF STATUTORY AUTHORITY FOR**
16 **MAGISTRATE JUDGE POSITIONS TO BE ES-**
17 **TABLISHED IN THE DISTRICT COURTS OF**
18 **GUAM AND THE NORTHERN MARIANA IS-**
19 **LANDS.**

20 Section 631 of title 28, United States Code, is
21 amended—

22 (a) by striking the first two sentences of sub-
23 section (a) and inserting in lieu thereof the follow-
24 ing: “The judges of each United States district court
25 and the district courts of the Virgin Islands, Guam,
26 and the Northern Mariana Islands shall appoint

1 United States magistrate judges in such numbers
2 and to serve at such locations within the judicial dis-
3 tricts as the Conference may determine under this
4 chapter. In the case of a magistrate judge appointed
5 by the district court of the Virgin Islands, Guam, or
6 the Northern Mariana Islands, this chapter shall
7 apply as though the court appointing such a mag-
8 istrate judge were a United States district court.”;
9 and

10 (b) by inserting in the first sentence of para-
11 graph (1) of subsection (b) after “Commonwealth of
12 Puerto Rico,” the language “the Territory of Guam,
13 the Commonwealth of the Northern Mariana Is-
14 lands,”.

15 **SEC. 306. VENUE IN CIVIL ACTIONS.**

16 Chapter 87 of title 28 (relating to district courts;
17 venue) is amended by—

18 (a) amending subsection (a)(3) of section 1391
19 by striking out “the defendants are” and inserting
20 in lieu thereof “any defendant is”;

21 (b) in section 1392—

22 (1) repealing subsection (a);

23 (2) striking out the subsection designator
24 “(b)” for the remaining subsection; and

1 (3) striking out “Defendants or property”
2 in the chapter analysis and section title and in-
3 serting in lieu thereof “Property”.

4 **SEC. 307. REGISTRATION OF JUDGMENTS FOR ENFORCE-**
5 **MENT IN OTHER DISTRICTS.**

6 (a) Section 1963 of title 28, United States Code, is
7 amended—

8 (1) in the first sentence, by striking “district
9 court” and inserting in lieu thereof “court of ap-
10 peals, district court, bankruptcy court,” and striking
11 “such judgment” and inserting in lieu thereof “the
12 judgment”; and

13 (2) adding a new sentence after the last para-
14 graph as follows: “The procedure prescribed by this
15 section is in addition to other procedures provided
16 by law for the enforcement of judgments.”.

17 (b) The chapter analysis for chapter 125 of title 28,
18 United States Code, relating to section 1963 is amended
19 to read as follows:

“1963. Registration of judgments for enforcement in other districts.”.

20 (c) The section title for section 1963 of title 28,
21 United States Code, is amended to read as follows:

1 **“§ 1963. Registration of judgments for enforcement in**
2 **other districts”.**

3 **SEC. 308. VACANCY IN CLERK POSITION; ABSENCE OF**
4 **CLERK.**

5 (a) Section 954 of title 28, United States Code, is
6 amended to read as follows:

7 **“§ 954. Vacancy in clerk position; absence of clerk**

8 “When the office of clerk is vacant, the deputy clerks
9 shall perform the duties of the clerk in the name of the
10 last person who held that office. When the clerk is inca-
11 pacitated, absent or otherwise unavailable to perform offi-
12 cial duties, the deputy clerks shall perform the duties of
13 the clerk in the name of the clerk. The court may des-
14 ignate a deputy clerk to act temporarily as clerk of the
15 court in his or her own name.”.

16 (b) Section 954 of title 28, United States Code, is
17 further amended by deleting the second paragraph of that
18 section.

19 (c) The chapter analysis for chapter 57 of title 28,
20 United States Code, relating to section 954 is amended
21 to read as follows:

“954. Vacancy in clerk position; absence of clerk.”.

22 **SEC. 309. DIVERSITY JURISDICTION.**

23 (a) Section 1332 of title 28, United States Code, is
24 amended—

1 (1) in subsection (a), by striking out “\$50,000”
2 and inserting in lieu thereof “\$75,000”;

3 (2) in subsection (b), by striking out “\$50,000”
4 and inserting in lieu thereof “\$75,000”;

5 (3) by redesignating subsection (d) as sub-
6 section (e); and

7 (4) by inserting after subsection (c) the follow-
8 ing new subsection (d):

9 “(d)(1) Effective on January 1 of each year that im-
10 mediately follows a year evenly divisible by 5, the amounts
11 specified in subsection (a) of this section shall be increased
12 by the percent change published in the Federal Register
13 during the preceding year pursuant to paragraph (2) of
14 this subsection. The amount shall be rounded up or down
15 to the nearest five thousand dollars.

16 “(2) Before the end of each year that is evenly divis-
17 ible by 5, the Director of the Administrative Office of the
18 United States Courts shall compute the percent change
19 in the price index for September 1 of such year over the
20 price index for September 1 of the fifth year preceding
21 such year and shall publish such percent change in the
22 Federal Register.

23 “(3) As used in this subsection, the term ‘price index’
24 means the Consumer Price Index (all items—United

1 States city average) published monthly by the Bureau of
2 Labor Statistics.”.

3 (b) The first increase under subsection (d) of section
4 1332 of title 28, United States Code (as added by para-
5 graph (a)(4)), shall be made effective on January 1, 2000.

6 (c) This section shall take effect 90 days after the
7 date of enactment of this Act.

8 **TITLE IV—JUDICIARY PERSONNEL ADMIN-**
9 **ISTRATION, BENEFITS, AND PROTEC-**
10 **TIONS**

11 **SEC. 401. JUDICIAL RETIREMENT MATTERS.**

12 (a) Section 371 of title 28, United States Code, is
13 amended—

14 (1) in subsection (a) by inserting “(1)” after
15 “subsection (c)”;

16 (2) in subsection (b)(1) by inserting “(2)” after
17 “subsection (c)”; and

18 (3) in subsection (c)—

19 (A) by inserting “(1)” after “(c)”;

20 (B) by striking out “this section” and in-
21 serting in lieu thereof “subsection (a)”;

22 (C) by adding at the end of that subsection
23 the following new paragraph:

24 “(2) The age and service requirements for re-
25 tirement under subsection (b)(1) are as follows:

“Attained age:	Years of service:
60	20
61	19
62	18
63	17
64	16
65	15
66	14
67	13
68	12
69	11
70	10.”

1 **SEC. 402. SENIOR JUDGE CERTIFICATION.**

2 (a) Section 371(f)(3) of title 28, United States Code,
3 is amended by striking out “is thereafter ineligible to re-
4 ceive such a certification” and inserting in lieu thereof
5 “may thereafter receive a certification for that year by sat-
6 isfying the requirements of subparagraph (A), (B), (C),
7 or (D) of paragraph (1) of this subsection in a subsequent
8 year and attributing a sufficient part of the work per-
9 formed in such subsequent year to the earlier year so that
10 the work so attributed, when added to the work performed
11 during such earlier year, satisfies the requirements for cer-
12 tification for that year. However, a justice or judge may
13 not receive credit for the same work for purposes of certifi-
14 cation for more than one year.”.

15 (b) Section 371(f)(1) of title 28, United States Code,
16 is amended by adding at the end of subparagraph (D) the
17 following: “In any year in which a justice or judge per-
18 forms work described in this subparagraph for less than
19 the full year, one-half of such work may be aggregated
20 with work described in subparagraph (A), (B), or (C) of

1 this paragraph for the purpose of the justice or judge sat-
2 isfying the requirements of such subparagraph.”.

3 **SEC. 403. CONTRIBUTION RATE FOR SENIOR JUDGES**
4 **UNDER THE JUDICIAL SURVIVORS’ ANNU-**
5 **ITIES SYSTEM.**

6 Section 376(b)(1) of title 28, United States Code, is
7 amended to read as follows:

8 “(b)(1) Every judicial official who files a written noti-
9 fication of his or her intention to come within the purview
10 of this section, in accordance with paragraph (1) of sub-
11 section (a) of this section, shall be deemed thereby to con-
12 sent and agree to having deducted and withheld from his
13 or her salary a sum equal to 2.2 percent of that salary,
14 and a sum equal to 3.5 percent of his or her retirement
15 salary. The deduction from any retirement salary—

16 “(A) of a justice or judge of the United States
17 retired from regular active service under section
18 371(b) or section 372(a) of this title,

19 “(B) of a judge of the United States Court of
20 Federal Claims retired under section 178 of this
21 title, or

22 “(C) of a judicial official on recall under section
23 155(b), 373(c)(4), 375, or 636(h) of this title, shall
24 be an amount equal to 2.2 percent of retirement sal-
25 ary.”.

1 **SEC. 404. REFUND OF CONTRIBUTION FOR DECEASED DE-**
2 **FERRED ANNUITANT UNDER THE JUDICIAL**
3 **SURVIVORS' ANNUITIES SYSTEM.**

4 Section 376(o)(1) of title 28, United States Code, is
5 amended by deleting “or while receiving ‘retirement sal-
6 ary’,” and inserting in lieu thereof “while receiving retire-
7 ment salary, or after filing an election and otherwise com-
8 plying with the conditions under subsection (b)(2) of this
9 section.”.

10 **SEC. 405. DISABILITY RETIREMENT AND COST-OF-LIVING**
11 **ADJUSTMENTS OF ANNUITIES FOR TERRI-**
12 **TORIAL JUDGES.**

13 Section 373 of title 28, is amended—

14 (a) by amending subparagraph (c)(4) to read—

15 “(4) Any senior judge performing judicial du-
16 ties pursuant to recall under paragraph (2) of this
17 subsection shall be paid, while performing such du-
18 ties, the same compensation (in lieu of the annuity
19 payable under this section) and the same allowances
20 for travel and other expenses as a judge on active
21 duty with the court being served.”;

22 (b) by amending subsection (e) to read—

23 “(e)(1) Any judge of the District Court of Guam, the
24 District Court of the Northern Mariana Islands, or the
25 District Court of the Virgin Islands who is not reappointed
26 (as judge of such court) shall be entitled, upon attaining

1 the age of sixty-five years or upon relinquishing office if
2 the judge is then beyond the age of sixty-five years,

3 “(i) if the judicial service of such judge, contin-
4 uous or otherwise, aggregates fifteen years or more,
5 to receive during the remainder of such judge’s life
6 an annuity equal to the salary received when the
7 judge left office, or

8 “(ii) if such judicial service, continuous or oth-
9 erwise, aggregated less than fifteen years, to receive
10 during the remainder of such judge’s life an annuity
11 equal to that proportion of such salary which the ag-
12 gregate number of such judge’s years of service
13 bears to fifteen.

14 “(2) Any judge of the District Court of Guam, the
15 District Court of the Northern Mariana Islands, or the
16 District Court of the Virgin Islands who has served at
17 least five years, continuously or otherwise, and who retires
18 or is removed upon the sole ground of mental or physical
19 disability, shall be entitled to receive during the remainder
20 of such judge’s life an annuity equal to 40 percent of the
21 salary received when the judge left office or, in the case
22 of a judge who has served at least ten years, continuously
23 or otherwise, an annuity equal to that proportion of such
24 salary which the aggregate number of such judge’s years
25 of judicial service bears to fifteen,”; and

1 (c) amending subsection (g) to read—

2 “(g) Any retired judge who is entitled to receive an
3 annuity under this section shall be entitled to a cost-of-
4 living adjustment in the amount computed as specified in
5 section 8340(b) of title 5, except that in no case may the
6 annuity payable to such retired judge, as increased under
7 this subsection, exceed the salary of a judge in regular
8 active service with the court on which the retired judge
9 served before retiring.”.

10 **SEC. 406. FEDERAL JUDICIAL CENTER PERSONNEL MAT-**
11 **TERS.**

12 Section 625(b) of title 28 is amended—

13 (a) by inserting after “section 5316, title 5,
14 United States Code” the following: “, except the Di-
15 rector may fix the compensation of no more than 5
16 percent of the positions of the Center at a level not
17 to exceed the annual rate of basic pay of level IV of
18 such pay rates”.

19 (b) by deleting “Serve” and inserting in lieu
20 thereof “Service.”

21 **SEC. 407. JUDICIAL ADMINISTRATIVE OFFICIALS RETIRE-**
22 **MENT MATTERS.**

23 (a) CREDITABLE SERVICE FOR CERTAIN JUDICIAL
24 ADMINISTRATIVE OFFICIALS.—

1 (1) Section 611(d) and 627(e) of title 28,
2 United States Code, are each amended by inserting
3 “a congressional employee in the capacity of primary
4 administrative assistant to a Member of Congress or
5 in the capacity of staff director or chief counsel for
6 the majority or the minority of a committee or sub-
7 committee of the Senate or House of Representa-
8 tives,” after “Congress,”.

9 (2)(A) Sections 611(b) and 627(c) of such title
10 are each amended—

11 (i) in paragraph (b), by striking out “who
12 has served at least fifteen years and” and in-
13 serting in lieu thereof “who has at least fifteen
14 years of service and has”; and

15 (ii) in the first undesignated paragraph, by
16 striking out “who has served at least ten
17 years,” and inserting in lieu thereof “who has
18 at least ten years of service,”.

19 (B) Sections 611(c) and 627(d) of such title are
20 each amended—

21 (i) by striking out “served at least fifteen
22 years,” and inserting in lieu thereof “at least
23 fifteen years of service,”; and

1 (ii) by striking out “served less than fif-
2 teen years,” and inserting in lieu thereof “less
3 than fifteen years of service,”.

4 **SEC. 408. BANKRUPTCY JUDGES REAPPOINTMENT PROCE-**
5 **DURE.**

6 (a) Section 120 of the Bankruptcy Amendments and
7 Federal Judgeship Act of 1984, Public Law 98–353, as
8 amended, is amended by adding a new subsection (a)(3)
9 to read as follows:

10 “(3) When filling vacancies, the court of ap-
11 peals may consider reappointing incumbent bank-
12 ruptcy judges under procedures prescribed by regu-
13 lations issued by the Judicial Conference of the
14 United States.”.

15 (b) Section 120 of the Bankruptcy Amendments and
16 Federal Judgeship Act of 1984, Public Law 98–353, 98
17 Stat. 343, as amended, is amended by adding at the end
18 of subsection (b) of section 120 the following sentence:
19 “All incumbent nominees seeking reappointment there-
20 after may be considered for such a reappointment, pursu-
21 ant to a majority vote of the judges of the appointing court
22 of appeals, under procedures authorized by subsection
23 (a)(3).”.

1 **SEC. 409. CARRYING OF FIREARMS.**

2 (a) Chapter 21 of title 28, United States Code, is
3 amended by adding at the end thereof a new section 464,
4 as follows:

5 **“§ 464. Carrying of firearms by judicial officers**

6 “(a) A judicial officer of the United States is author-
7 ized to carry firearms, whether concealed or not, under
8 regulations promulgated by the Judicial Conference of the
9 United States.

10 “(b) A judicial officer of the United States who pos-
11 sesses or uses a firearm carried under the authority of
12 this section and the regulations promulgated thereunder
13 is immune from any civil suit arising out of such posses-
14 sion or usage to the maximum extent provided by the com-
15 mon law.

16 “(c) For purposes this section, the term ‘judicial offi-
17 cer of the United States’ means a justice or judge of the
18 United States as defined in section 451 of this title; a
19 United States bankruptcy judge; a full-time or part-time
20 United States magistrate; a judge of the United States
21 Court of Federal Claims; a judge of the United States Dis-
22 trict Court of Guam; a judge of the United States District
23 Court for the Northern Mariana Islands; a judge of the
24 United States District Court of the Virgin Islands; and
25 an individual who is receiving a retirement annuity based
26 on service in any of the foregoing judicial positions.”.

1 (b) The table of contents for chapter 21 of title 28,
2 United States Code, is amended by inserting at the end
3 thereof the following:

“464. Carrying of firearms by judicial officers.”.

4 **SEC. 410. COMMENCEMENT DATE OF TEMPORARY JUDGE-**
5 **SHIPS.**

6 The last paragraph of section 203(c), Public Law
7 101–650, is amended to read as follows: “The first va-
8 cancy in the office of district judge in each of the judicial
9 districts named in this subsection, occurring five years or
10 more after the confirmation date of the judge named to
11 fill a temporary judgeship created by this Act, shall not
12 be filled.”

13 **SEC. 411. FULL-TIME STATUS OF COURT REPORTERS.**

14 Sections 753(e) of title 28, United States Code, is
15 amended by inserting after the first sentence the follow-
16 ing: “For the purposes of subchapter III of chapter 83
17 of title 5 and chapter 84 of such title, a reporter shall
18 be considered a full-time employee during any pay period
19 for which a reporter receives a salary at the annual salary
20 rate fixed for a full-time reporter pursuant to the preced-
21 ing sentence.”.

22 **SEC. 412. EXEMPTION FROM JURY SERVICE.**

23 (a) MEMBERS OF THE ARMED FORCES.—Paragraph
24 (6) of section 1863(b) of title 28, United States Code, is
25 amended to read as follows:

1 “(6) specify that members of the Armed Forces
2 of the United States serving on active duty are
3 barred from service on the ground that they are ex-
4 empt.”.

5 (b) CONFORMING AMENDMENT.—Section 1869 of
6 title 28, United States Code, is amended by repealing sub-
7 section (i) and redesignating subsequent subsections ac-
8 cordingly.

9 **SEC. 413. EXPANDED WORKERS’ COMPENSATION COV-**
10 **ERAGE FOR JURORS.**

11 WORKERS’ COMPENSATION COVERAGE.—Paragraph
12 (2) of section 1877(b) of title 28, United States Code, is
13 amended—

14 (1) by striking “or” at the end of clause (C);
15 and

16 (2) by inserting “, or (E) traveling to or from
17 the courthouse pursuant to a jury summons or se-
18 questration order, or as otherwise necessitated by
19 order of the court” before the period at the end of
20 clause (D).

21 **SEC. 414. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS**
22 **OF JURORS.**

23 Section 604 of title 28, United States Code, is
24 amended by adding at the end thereof the following new
25 subsection:

1 “(i) The Director may pay a claim by a person sum-
2 moned to serve or serving as a grand juror or petit juror
3 for loss of, or damage to, personal property that occurs
4 incident to that person’s performance of duties in response
5 to the summons or at the direction of an officer of the
6 court. With respect to claims, the Director shall have the
7 authority granted to the head of an agency by section
8 3721 of title 31 for the consideration of employees’ per-
9 sonal property claims. The Director shall prescribe guide-
10 lines for the consideration of claims under this sub-
11 section.”.

12 **SEC. 415. COURT INTERPRETERS ACT.**

13 Section 1827 of title 28, United States Code, is
14 amended by adding at the end thereof the following sub-
15 section:

16 “(I) Notwithstanding any other provi-
17 sion of this section or section 1828 of title
18 28, United States Code, to the contrary,
19 the presiding judicial officer may, but is
20 not required to, appoint a certified or oth-
21 erwise qualified sign language interpreter
22 to provide services to a party, witness or
23 other participant in a judicial proceeding,
24 whether or not the proceeding is instituted
25 by the United States, if the presiding judi-

1 cial officer determines, on such officer's
 2 own motion or on the motion of a party or
 3 other participant in the proceeding that
 4 such individual suffers from a hearing im-
 5 pairment. The presiding judicial officer
 6 shall, subject to the availability of appro-
 7 priated funds, approve the compensation
 8 and expenses payable to sign language in-
 9 terpreters appointed under this section in
 10 accordance with the schedule of fees pre-
 11 scribed by the Director under subsection
 12 (b)(3) of this section.”.

13 **SEC. 416. ARTICLE III STATUS FOR THE JUDGESHIP AU-**
 14 **THORIZED FOR THE COMMONWEALTH OF**
 15 **THE NORTHERN MARIANA ISLANDS.**

16 (a) Section 41 of title 28, United States Code, is
 17 amended by adding the words “Northern Mariana Is-
 18 lands” at the end of the listing of the Ninth Circuit.

19 (b) A new section 114A of title 28, United States
 20 Code, is enacted to read as follows:

21 **“§ 114A. Northern Mariana Islands**

22 “The Northern Mariana Islands constitute one judi-
 23 cial district. Court shall be held at Saipan.”.

24 (c) Section 133 of title 28, United States Code, is
 25 amended by inserting the words “Northern Mariana Is-

1 lands————1” between the listing of North Dakota and
2 Ohio.

3 (d) Paragraph (2) of subsection (a) of section 152
4 of title 28, United States Code, is amended by inserting
5 the words “Northern Mariana Island————O” between
6 the listings of North Dakota and Ohio.

7 (e) The first sentence of paragraph (4) of subsection
8 (a) of section 152 of title 28, United States Code, is
9 amended by inserting the words “and the Commonwealth
10 of the Northern Mariana Islands” after the word “terri-
11 tories”.

12 (f) A new section 298 of title 28, United States Code,
13 is enacted to read as follows:

14 **“§ 298. Assignment to the United States District**
15 **Court for the Northern Mariana Islands**

16 “In addition to the judges authorized to be des-
17 ignated by sections 291 and 292 of title 28, United States
18 Code, the Chief Judge of the United States Court of Ap-
19 peals for the Ninth Circuit may assign judges of courts
20 of record of the Northern Mariana Islands or Guam, in-
21 cluding a judge of the District Court of Guam who is ap-
22 pointed by the President or a recalled senior judge of the
23 District Court of Guam, to serve temporarily as a judge
24 in the United States District Court for the Northern Mari-
25 ana Islands whenever such an assignment is necessary for

1 the proper dispatch of the business of the court. Such des-
2 ignated judges shall have the powers of a magistrate judge
3 under section 636 of title 28, United States Code.”.

4 (g) The third sentence of section 333 of title 28,
5 United States Code, is amended by striking out the words
6 “and the District Court of the Northern Mariana Islands”
7 and inserting the word “and” immediately before the
8 words “the District Court of the Virgin Islands”.

9 (h) Subsections (a) and (e) of section 373 of title 28,
10 United States Code, is amended by striking out the words
11 “the District Court of the Northern Mariana Islands,”.

12 (i) Subparagraph (B) of paragraphs (1) and (2) of
13 subsection (a) of section 376 of title 28, United States
14 Code, is amended by striking out the words “the District
15 Court of the Northern Mariana Islands,”.

16 (j) The amendments made by the foregoing sub-
17 sections — to — of this Act shall not affect the rights
18 of any judge who may have retired before the effective
19 date of this Act. Service as a judge of the District Court
20 of the Northern Mariana Islands shall be included in com-
21 puting under sections 371, 372, 373, and 376 of title 28,
22 United States Code, the aggregate years of judicial service
23 of any person who is in office as a district judge for the
24 District of the Northern Mariana Islands on the date of
25 enactment of this Act. The term of office of any such

1 judge shall terminate upon a vacancy in the office by expi-
2 ration of the term or otherwise. Upon such termination,
3 the President shall appoint, by and with the consent of
4 the Senate, a judge for the district who shall hold office
5 during good behavior.

6 (k) Subsection (a) of section 541 of title 28, United
7 States Code, is amended by striking out the word “dis-
8 trict.” and substituting therefore the words “district, ex-
9 cept that any United States attorney appointed for the
10 Northern Mariana Islands may at the same time serve as
11 United States attorney in another judicial district.”. Sec-
12 tion 541 of title 28, United States Code, is further
13 amended by redesignating current subsection (c) to be
14 subsection (d) and inserting new subsection (c) to read
15 as follows:

16 “(c) If the President appoints a United States attor-
17 ney for the Northern Mariana Islands who at that time
18 is serving in the same capacity in another district, the ap-
19 pointment shall, without prejudice to a subsequent ap-
20 pointment, be for the unexpired term of such United
21 States attorney.”.

22 (l) Subsection (d) of section 561 of title 28, United
23 States Code, is amended by inserting at the end thereof
24 the words “If the President appoints a marshal for the
25 Northern Mariana Islands who at that time is serving in

1 the same capacity in another district, the appointment
2 shall, without prejudice to a subsequent appointment, be
3 for the unexpired term of such marshal.”.

4 (m) Paragraph (1) of subsection (b) of section 631
5 of title 28, United States Code, is amended by inserting
6 the words “the Commonwealth of the Northern Mariana
7 Islands,” after the words “Puerto Rico”.

8 (n) Subparagraph (A) of paragraph (4) of subsection
9 (d) of section 1292 of title 28, United States Code, is
10 amended by striking out the words “or the District Court
11 of the Northern Mariana Islands,” and inserting the word
12 “or” immediately after the word “Guam,”.

13 (o) Paragraphs (1) and (2) of subsection (a) of sec-
14 tion 1295 of title 28, United States Code, is amended by
15 striking out the words “or the District Court of the North-
16 ern Mariana Islands,” and inserting the work “or” imme-
17 diately after the word “Guam,”.

18 (p) Subsection (d) of section 1332 of title 28, United
19 States Code, is amended by adding at the end the words
20 “, and the Commonwealth of the Northern Mariana Is-
21 lands” and striking the word “and” after the words “Dis-
22 trict of Columbia,”.

23 (q) Subsection (e) of section 2901 of title 28, United
24 States Code, is amended by adding “or the Commonwealth
25 of the Northern Mariana Islands,” immediately after the

1 words “Puerto Rico,” and striking the word “or” after
2 “Canal Zone.”

3 (r) Subsection (a) of section 1694c of title 48, United
4 States Code, is amended by striking out the words “, un-
5 less those cases are reviewable in the District Court for
6 the Northern Mariana Islands pursuant to section 1694b
7 of this title”.

8 (s) Subsection (a) of section 1694c of title 48, United
9 States Code, is renumbered as new section 1694 of title
10 48, United States Code and the heading is amended by
11 striking the words “; applicability of statutory provisions”.

12 (t) The following sections and subsections of title 48,
13 United States Code, are repealed: 1694, 1694a, 1694b,
14 1694c(b), 1694d, and 1694e.

15 **SEC. 417. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECU-**
16 **TIVES.**

17 Section 6304(f) of title 5 is amended to read as fol-
18 lows:

19 “(F) The Judicial Branch designated as a
20 court unit executive position by the Judicial
21 Conference of the United States.”.

1 **TITLE V—FEDERAL COURTS STUDY**
2 **COMMITTEE RECOMMENDATIONS**

3 **SEC. 501. PARTIES' CONSENT TO BANKRUPTCY JUDGE'S**
4 **FINDINGS AND CONCLUSIONS OF LAW.**

5 Section 157(c)(1) of title 28, United States Code, is
6 amended to read as follows:

7 “(c)(1) A bankruptcy judge may hear a proceeding
8 that is not a core proceeding but that is otherwise related
9 to a case under title 11. In such proceeding, the bank-
10 ruptcy judge shall submit proposed findings of fact and
11 conclusions of law to the district court, and any final order
12 or judgment shall be entered by the district judge after
13 considering the bankruptcy judge’s proposed findings and
14 conclusions and after reviewing de novo those matters to
15 which any party has timely and specifically objected. A
16 party shall be deemed to consent to the findings of fact
17 and conclusions of law submitted by a bankruptcy judge
18 unless the party files a timely objection. If a timely objec-
19 tion is not filed, the proposed findings of fact and conclu-
20 sions of law submitted by the bankruptcy judge shall be-
21 come final and the bankruptcy judge shall enter an appro-
22 priate order thereon.”.

1 **SEC. 502. ENFORCEMENT OF NATIONAL LABOR RELATIONS**

2 **BOARD ORDERS.**

3 Section 10 of the National Labor Relations Act (29
4 U.S.C. 160) is amended—

5 (a) in subsection (e)—

6 (1) by striking out the first sentence;

7 (2) in the second sentence, by striking out
8 “Upon the filing” and all that follows through
9 “thereupon” and inserting in lieu thereof
10 “Upon the filing of a petition for review under
11 subsection (e), the court”; and

12 (3) in the last sentence, by striking out
13 “by the appropriate United States court of ap-
14 peals if application was made to the district
15 court as hereinabove provided, and”;

16 (b) in subsection (f)—

17 (1) in the first sentence by inserting “,
18 within 30 days after the date of the order,”
19 after “by filing in such court”; and

20 (2) by striking out the last sentence;

21 (c) by redesignating subsections (e) and (f) as
22 subsections (f) and (e), respectively, and by revers-
23 ing the order of such subsections;

24 (d) in subsection (g), by striking out “or (f)”;

25 and

1 (e) by adding at the end thereof the following
2 new subsection:

3 “(n) If any person violates a final order issued by
4 the Board under this Act with respect to an unfair labor
5 practice, the Board may petition any United States dis-
6 trict court in which the unfair labor practice occurred, or
7 in which such person resides or transacts business for im-
8 position of a monetary penalty not to exceed \$5,000 for
9 each day on which such person violates the order. The
10 United States district courts shall have jurisdiction to im-
11 pose such a penalty.”.

12 **SEC. 503. QUALIFICATION OF CHIEF JUDGE OF COURT OF**
13 **INTERNATIONAL TRADE.**

14 (a) Chapter 11 of title 28, United States Code, is
15 amended by adding at the end the following:

16 **“§ 258. Chief judge; precedence of judges**

17 “(a)(1) The chief judge of the Court of International
18 Trade shall be the judge of the court in regular active
19 service who is senior in commission of those judges who—

20 “(A) are 64 years of age or under;

21 “(B) have served for one year or more as a
22 judge of the court; and

23 “(C) have not served previously as chief judge.

24 “(2)(A) In any case in which no judge of the court
25 meets the qualifications of paragraph (1), the youngest

1 judge in regular active service who is 65 years of age or
2 over and who has served as a judge of the court for one
3 year or more shall act as the chief judge.

4 “(B) In any case under subparagraph (A) in which
5 there is no judge of the court in regular active service who
6 has served as a judge of the court for one year or more,
7 the judge of the court in regular active service who is sen-
8 ior in commission and who has not served previously as
9 chief judge shall act as the chief judge.

10 “(3)(A) Except as provided in subparagraph (C), the
11 chief judge serving under paragraph (1) shall serve for
12 a term of seven years and shall serve after expiration of
13 such term until another judge is eligible under paragraph
14 (1) to serve as chief judge.

15 “(B) Except as provided in subparagraph (C), a
16 judge of the court acting as chief judge under subpara-
17 graph (A) or (B) of paragraph (2) shall serve until a judge
18 meets the qualifications under paragraph (1).

19 “(C) No judge of the court may serve or act as chief
20 judge of the court after attaining the age of 70 years un-
21 less no other judge is qualified to serve as chief judge
22 under paragraph (1) or is qualified to act as chief judge
23 under paragraph (2).

24 “(b) The chief judge shall have precedence and pre-
25 side at any session of the court which he or she attends.

1 Other judges of the court shall have precedence and pre-
2 side according to the seniority of their commissions.
3 Judges whose commissions bear the same date shall have
4 precedence according to seniority in age.

5 “(c) If the chief judge desires to be relieved of his
6 or her duties as chief judge while retaining active status
7 as a judge of the court, the chief judge may so certify
8 to the Chief Justice of the United States, and thereafter
9 the chief judge of the court shall be such other judge of
10 the court who is qualified to serve or act as chief judge
11 under subsection (a).

12 “(d) If a chief judge is temporarily unable to perform
13 his or her duties as such, they shall be performed by the
14 judge of the court in active service, able and qualified to
15 act, who is next in precedence.”.

16 (b) Chapter 11 of title 28, United States Code, is
17 amended as follows:

18 (1) Section 251 is amended by striking sub-
19 section (b) and redesignating subsection (c) as sub-
20 section (b).

21 (2) Section 253 is amended—

22 (A) by amending the section caption to
23 read as follows:

24 “§ 253. Duties of chief judge”;

25 and

1 (B) by striking subsections (d) and (e).

2 (3) The table of sections at the beginning of
3 chapter 11 of title 28, United States Code, is
4 amended—

5 (A) by amending the item relating to sec-
6 tion 253 to read as follows:

7 (B) by adding at the end the following:

8 **“§ 258. Chief judges; precedence of judges”.**

9 (c) Notwithstanding the provisions of section 258(a)
10 of title 28, United States Code, the chief judge of the
11 United States Court of International Trade who is in of-
12 fice on the day before the date of enactment of this Act
13 shall continue to be such chief judge on or after such date
14 until any one of the following events occurs:

15 (1) The chief judge is relieved of his duties pur-
16 suant to section 258(c) of title 28, United States
17 Code.

18 (2) The regular active status of the chief judge
19 is terminated.

20 (3) The chief judge attains the age of seventy
21 years.

22 (4) The chief judge has served for a term of
23 seven years as chief judge.

24 When the chief judge vacates the position of chief judge
25 pursuant to the preceding sentence, the position of chief

1 judge of the Court of International Trade shall be filled
2 in accordance with section 258(a) of title 28, United
3 States Code.

4 **TITLE VI—CRIMINAL JUSTICE ACT**
5 **AMENDMENTS**

6 **SEC. 601. ESTABLISHMENT OF FEDERAL DEFENDER ORGA-**
7 **NIZATIONS.**

8 Paragraph (1) of subsection (g) of section 3006A of
9 title 18, United States Code, is amended—

10 (a) by striking out “A” at the beginning of the
11 first sentence, and inserting in lieu thereof “Any”;

12 (b) by striking out “a” before “part of a dis-
13 trict” in the first sentence;

14 (c) by striking out “in which at least two hun-
15 dred persons annually require the appointment of
16 counsel” in the first sentence;

17 (d) by inserting after the first sentence, “A de-
18 fender organization shall be established for any dis-
19 trict or part of a district or combination of dis-
20 tricts—

21 “(A) in which more than two hundred per-
22 sons annually require the appointment of coun-
23 sel; or

24 “(B) where the Judicial Conference deter-
25 mines that—

1 “(i) such an organization would be
2 cost effective; or

3 “(ii) the interests of effective rep-
4 resentation otherwise require establishment
5 of such an organization.”; and

6 (e) by striking out “aggregate the number of
7 persons required to be represented to establish eligi-
8 bility for” in the second sentence, and inserting in
9 lieu thereof “establish”.

10 **SEC. 602. PANEL ATTORNEY SUPPORT OFFICE.**

11 Subsection (a) of section 3006A of title 18, United
12 States Code, is amended by adding a new paragraph (4):

13 “(4)(A) In any district which has not estab-
14 lished a Federal defender organization pursuant to
15 subsection (g) of this section, the plan for the dis-
16 trict may provide for the establishment of a panel
17 attorney support office to assist the court in manag-
18 ing the panel of attorneys who provide representa-
19 tion pursuant to the plan for the district. The panel
20 attorney support office shall provide advice to coun-
21 sel appointed pursuant to this section, maintain a
22 list of members of the panel, review vouchers for
23 compensation pursuant to this section prior to sub-
24 mission to judicial officers for approval, coordinate
25 training of members of the panel, and perform any

1 other duties in administering the plan for the dis-
2 trict which the court may delegate.

3 “(B) The district court shall appoint an admin-
4 istrator to direct the panel attorney support office.
5 The Administrator may be employed on a part-time
6 or full-time basis. The Administrator may appoint
7 employees in such number as may be approved by
8 the Director of the Administrative Office of the
9 United States Courts. Such employees shall be sub-
10 ject to removal by the Administrator.”.

11 **SEC. 603. JUDICIAL CONFERENCE TO DETERMINE RATES**
12 **OF COMPENSATION FOR ATTORNEYS.**

13 Subsection (d) of section 3006A of title 18, United
14 States Code, is amended—

15 (a) in the first sentence of paragraph (1) by
16 striking out all that follows “be compensated” and
17 inserting in lieu thereof “at rates established by the
18 Judicial Conference of the United States sufficient
19 to cover reasonable overhead costs and to provide a
20 reasonable hourly wage for time expended in court
21 and for time expended out of court.”;

22 (b) by striking out the third and fourth sen-
23 tences of paragraph (1); and

24 (c) by striking out all that appears in para-
25 graph (2) and inserting in lieu thereof “The Judicial

1 Conference shall establish limits on the amounts of
2 compensation for representation in misdemeanors,
3 felonies, appeals, and other matters. Except as pro-
4 vided in paragraph (3) of this subsection, the com-
5 pensation to be paid to an attorney or to a bar asso-
6 ciation or legal aid agency or community defender
7 organizer shall not exceed the amount established by
8 the Judicial Conference for the type of proceeding in
9 which representation was provided.”.

10 **SEC. 604. JUDICIAL CONFERENCE TO DETERMINE MAXI-**
11 **MUM AMOUNTS OF COMPENSATION FOR**
12 **SERVICES OTHER THAN COUNSEL.**

13 Subsection (e) of section 3006A of title 18, United
14 States Code, is amended—

15 (a) in subparagraphs (A) and (B) of paragraph
16 (2), by striking “\$300” and inserting in lieu thereof
17 “an amount established by the Judicial Conference”;
18 and

19 (b) in paragraph (3) by striking “\$1,000” and
20 inserting in lieu thereof “an amount established by
21 the Judicial Conference”.

22 **SEC. 605. COMPENSATION OF PARALEGALS AND LAW STU-**
23 **DENTS.**

24 Paragraph (1) of subsection (d) of section 3006A of
25 title 18, United States Code, is amended by adding at the

1 end thereof the following: “The services of paralegals and
2 qualified law students furnishing services pursuant to this
3 section shall be compensated or reimbursed at hourly rates
4 established by the Judicial Conference.”.

5 **SEC. 606. TORT CLAIMS ACT AMENDMENTS RELATING TO**
6 **LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

7 Section 2680 of title 28, United States Code, is
8 amended by adding the following new subsection (o):

9 “(o) Any claim for money damages for injury, loss
10 of liberty, loss of property, or personal injury or death
11 arising from malpractice or negligence of an officer or em-
12 ployee of a Federal Public Defender Organization in fur-
13 nishing representational services under section 3006A of
14 title 18, United States Code.”.

15 **TITLE VII—PLACES OF HOLDING COURT**

16 **SEC. 701. PLACE OF HOLDING COURT IN THE SOUTHERN**
17 **DISTRICT OF NEW YORK.**

18 The last sentence of section 112(b) of title 28, United
19 States Code, is amended to read: “Court for the Southern
20 District shall be held at New York, White Plains, and in
21 the Middletown-Wallkill area of Orange County, or such
22 nearby location as may be deemed appropriate.”.

1 **SEC. 702. PLACE OF HOLDING COURT IN THE EASTERN DIS-**
2 **TRICT OF TEXAS.**

3 (a) The second sentence of section 124(c)(3) of title
4 28, United States Code, is amended by inserting “and
5 Plano” after “held at Sherman”.

6 (b) Sections 83(b)(1) and 124(c)(6) of title 28,
7 United States Code, are amended by adding to the end
8 of the last sentence: “, and may be held anywhere within
9 the Federal courthouse in Texarkana that is located
10 astride the State line between Texas and Arkansas”.

11 **TITLE VIII—MISCELLANEOUS**

12 **SEC. 801. TECHNICAL AMENDMENT TO 28 U.S.C. 331 (RELAT-**
13 **ING TO THE JUDICIAL CONFERENCE).**

14 Section 331 of title 28, United States Code, is
15 amended in the second paragraph by striking the phrase
16 “at the annual judicial conference of the circuit held pur-
17 suant to section 333 of this title”.

18 **SEC. 802. TECHNICAL AMENDMENT TO 28 U.S.C. 601 (RELAT-**
19 **ING TO THE DIRECTOR AND DEPUTY DIREC-**
20 **TOR OF THE ADMINISTRATIVE OFFICE).**

21 Section 601 of title 28, United States Code, is
22 amended by adding at the end thereof the following: “The
23 Director and Deputy Director shall be deemed to be ‘offi-
24 cers’ for the purposes of title 5, United States Code.”.

1 **SEC. 803. TECHNICAL AMENDMENT TO 28 U.S.C. 1446 (RE-**
 2 **LATING TO REMOVAL).**

3 Section 1446(c)(1) of title 28, United States Code,
 4 is amended by striking “petitioner” and inserting in lieu
 5 thereof “defendant or defendants”.

6 **SEC. 804. TECHNICAL AMENDMENT TO 28 U.S.C. 627(b) (FED-**
 7 **ERAL JUDICIAL CENTER RETIREMENT PRO-**
 8 **VISIONS).**

9 Section 627(b) of title 28, United States Code, is
 10 amended—

11 (1) by inserting before “the professional staff”
 12 in the first sentence “Deputy Director,”; and

13 (2) by inserting after “(relating to civil service
 14 retirement)” in the first sentence “chapter 84 (relat-
 15 ing to the Federal Employees’ Retirement System,”.

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